

Remarks

This Application has been carefully reviewed in light of the final Office Action mailed March 30, 2004. Applicants appreciate the Examiner's consideration of Applicants' previous Response. Claims 1-23 and 25 are pending and stand rejected. Applicants believe all pending claims are allowable over the references cited by the Examiner without amendment and respectfully provide the following remarks. Applicants respectfully request reconsideration and allowance of all pending claims.

I. Claims 7-9 are Allowable over *Lection*

The Examiner rejects Claims 7-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,418,446 to Lection, et al. ("*Lection*"). Applicants respectfully disagree.

Claim 7, for example, recites:

A method for outputting data from an application running on a computer system, the data output as Extensible Markup Language, the method comprising:

establishing a relationship of the output data and one or more Extensible Markup Language Document Object Model contexts;

building a Document Object Model instance with the one or more contexts; and

outputting the data from the Document Object Model instance as Extensible Markup Language.

Applicants respectfully assert that *Lection* fails to disclose, teach, or suggest various aspects of independent Claim 7.

At the outset, Applicants note that *Lection* does not even relate to "outputting data from an application running on a computer system," as recited in Claim 7. Instead, *Lection* is directed to a process, system, and method for gathering data having dynamically variable record formats such as those created when a dynamic schema is used with a data repository. (Column 3, Lines 30-34)

In any event, *Lection* fails to disclose, teach, or suggest "establishing a relationship of the output data and one or more Extensible Markup Language Document Object Model

contexts" and "building a Document Object Model instance with the one or more contexts," as recited in Claim 7. The Examiner seems to equate "an output DOM tree" of *Lection* with "a Document Object Model instance" in Claim 7. The Examiner further appears to equate "the source data" of *Lection* with "the output data" in Claim 7. (See Office Action, Page 3) In response to Applicants' arguments presented in the previous Response, the Examiner stated that the DOM tree is the relationship of the output data and that the "Examiner interprets the representation of the selected record and/or representation of the gather verb specification is context." (See Office Action, Pages 3 and 31) Applicants respectfully submit that *Lection* does not support this interpretation.

Lection discloses "a method, system, and computer-readable code for grouping dynamic schema data using Extensible Markup Language notation." (Column 1, Lines 6-10) More specifically, *Lection* teaches a method "to gather data that may have had changes to its format, and create a structured representation of this data that flexibly adapts to format variations" and that "a DOM tree created from an XML representation of the source data is used by the present invention as it creates an output DOM tree." (Abstract and Column 1, Lines 6-10) There is no disclosure, teaching, or suggestion that *Lection* uses "contexts," as recited in Claim 7. Indeed, it does not appear that *Lection* even mentions "contexts" or other similar data components. The GATHER verb specification disclosed in *Lection* and cited by the Examiner is an API formatted as a DOM tree that merely provides a way "to gather data that may have had changes to its format, and create a structured representation of this data that flexibly adapts to format variations." (See Abstract; Column 3, Lines 49-51; Column 10, Line 66 through Column 11, Line 2; and Column 18, Lines 49-52) Applicants respectfully direct the Examiner's attention to Page 39, Line 4 through Page 44, Line 11 of Applicants' Specification for a non-limiting, example description of the use of contexts, as recited in Claim 7. The XML representation of the selected record and the XML representation of the GATHER verb specification disclosed in *Lection* are merely XML representations of structured data and do not disclose, teach, or suggest contexts as recited in Claim 7.

Applicants respectfully note that "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single

prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added); M.P.E.P. § 2131. Stated another way, "for anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention either explicitly or impliedly." M.P.E.P. § 706.02 (emphasis added). In addition, "*[t]he elements must be arranged as required by the claim.*" M.P.E.P. § 2131 (emphasis added) referencing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *see also Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, "[t]he *identical invention* must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). As illustrated above, *Lection* fails to disclose, either expressly or inherently, each and every limitation recited in Claim 7, as is required under the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, *Lection* fails to disclose, teach, or suggest various limitations of independent Claim 7. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 7 and its dependent claims.

II. Claims 23 and 25 are Allowable over Stefaniak

The Examiner rejects Claims 23-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,550,054 to Stefaniak, et al. ("Stefaniak"). Applicants respectfully disagree.

Claim 23, for example, recites:

A method for modeling a legacy computer system comprising:
identifying incidents of applications of the legacy computer system
that output data;
associating the incidents with an Extensible Markup Language
schema;
defining a control flow graph of the output incidents;
creating a specification to modify the legacy computer system
applications to provide output from a Document Object Model instance as
Extensible Markup Language; and
automatically modifying the legacy computer system applications in
accordance with the specification.

Applicants respectfully assert that *Stefaniak* fails to disclose, teach, or suggest various aspects of independent Claim 23.

For example, *Stefaniak* fails to disclose, teach, or suggest “identifying incidents of applications of the legacy computer systems that output data,” as recited in Claim 23. At best, *Stefaniak* merely discloses capturing and recording screen relationships. (See Column 1, Lines 45) Thus, it appears that the system disclosed in *Stefaniak* is merely aware that screen output has been generated. In fact, it appears that the system disclosed in *Stefaniak* remains outside the programs and merely captures screen output. Nowhere does *Stefaniak* disclose, teach, or suggest that it “[identifies] incidents of applications of the legacy computer systems that output data,” as recited in Claim 23.

As another example, *Stefaniak* fails to disclose, teach, or suggest “automatically modifying the legacy computer system applications in accordance with the specification,” as recited in Claim 23. The Examiner appears to argue that “transforming a terminal-based screen application into an application specification” in *Stefaniak* equates with “automatically modifying the legacy computer system applications in accordance with the specification” as recited, in part, in amended Claim 23. (See Office Action, Pages 5-6 and 31) Applicants maintain that *Stefaniak* fails to support this interpretation. *Stefaniak* discloses a system that describes legacy application screens in terms of a terminal application specification and converts the specification into a UML model. (See Abstract and Column 1, Lines 57-67) *Stefaniak* repeatedly teaches that the output of the system is a representation or model of the terminal-based application – there is no modification of the terminal-based application in *Stefaniak*. (See Title; Abstract; Column 1, Lines 15-18 and 28-31) This is further suggested by *Stefaniak*’s continued use of UML, a modeling language, for representing or modeling – as opposed to modifying – the terminal-based application.¹ In other words, even if “the terminal-based application” in *Stefaniak* is comparable to “the legacy computer system applications” of Claim 23 (which Applicants do not concede), *Stefaniak* fails to disclose,

¹ For example, the “Unified Modeling Language (UML) is a language for specifying, visualizing, constructing, and documenting the artifacts of software systems, as well as for business modeling and other non-software systems. The UML represents a collection of the best engineering practices that have proven successful in the modeling of large and complex systems.” UML specification, available at www.omg.com/uml.

teach, or suggest “automatically modifying the legacy computer system applications in accordance with the specification” as recited, in part, in amended Claim 23.

For example, the cited portions of *Stefaniak* teach that a terminal-to-XML converter module 20 “converts specifications of legacy screens into a UML compliant model where the legacy application is represented by a UML package, the screens are represented by UML classes and the fields in the screen represented by UML attributes.” (Column 5, Lines 11-15; emphasis added) In another example, *Stefaniak* teaches that “terminal screens are discovered using the transform navigator 19, which produces application and screen specifications 32. The application and screen specifications 32 are then applied to the file warehouse 21, which produces the project file reference model 27. The model 27 is applied to the terminal-to-XML 20, which produces a UML model in a MOF compliant repository.” (Column 5, Lines 41-49; emphasis added; *see also* Column 5, Lines 58-69) In short, *Stefaniak* discloses a system and method for “representing terminal-based applications in the Unified Modeling Language.” (Title) Accordingly, *Stefaniak* fails to disclose, teach, or suggest at least “automatically modifying the legacy computer system applications in accordance with the specification” as recited in amended Claim 23.

Applicants presented substantially similar arguments to those discussed above in the previous Response. In response, the Examiner argues that “Stefaniak discloses a system that describes legacy application screens in terms of a terminal application specification and converts the specification into a UML model. Stefaniak also discloses using the transform navigator 19, which produces application and screen specifications.” (Office Action, Page 31; emphasis in original; citations omitted) The Examiner also cites various definitions of the terms edit, modify, convert, and transform. (Office Action, Page 31)

First, Applicants respectfully submit that *Stefaniak* is merely generating models of legacy application screens, as Applicants discussed above - it is not modifying legacy computer applications. Whatever words are used in *Stefaniak*, the context makes it clear that the system disclosed in *Stefaniak* is merely generating a model of the legacy application screens; it does not appear to be modifying applications of the legacy computer system.

Second, the first sentence cited by the Examiner states converting the specification into a UML model, not the legacy applications. Third, *Stefaniak* discloses the following method: (1) transforming a terminal-based application into an application specification; (2) converting the application specification into a modeling language-based representation (e.g., UML); and (3) displaying the modeling language-based representation with a graphical user interface. (See Abstract) Assuming, for the sake of argument only, that the application specification disclosed in *Stefaniak* could be equated with the specification recited in Applicants' Claim 23 (which Applicants do not concede, particularly in light of the fact that Applicants' Claim 23 recites "creating a specification to modify the legacy computer system applications"), how could *Stefaniak* disclose, teach, or suggest automatically modifying the legacy computer system applications in accordance with the specification" if the Examiner is equating the creation of the application specification disclosed in *Stefaniak* with the automatic modification of the legacy computer system applications recited in Applicants' Claim 23? Applicants respectfully submit that it cannot.

Additionally, Applicants note that it does not appear that *Stefaniak* even discusses a Document Object Model. Thus, *Stefaniak* necessarily fails to disclose, teach, or suggest "creating a specification to modify the legacy computer system applications to provide output from a Document Object Model instance as Extensible Markup Language," as recited in Claim 23.

Applicants reiterate the legal standard for a finding of anticipation discussed above with reference to independent Claim 7. As illustrated above, *Stefaniak* fails to disclose, either expressly or inherently, each and every limitation recited in Claim 23, as is required under the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, *Stefaniak* fails to disclose, teach, or suggest various limitations of independent Claim 23. Moreover, independent Claim 25 is allowable at least for analogous reasons. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 23 and 25.

III. The Claims are Allowable over the Various Rejections under 35 U.S.C. § 103

The Examiner rejects:

- Claims 10-14 under 35 U.S.C. § 103(a) as being unpatentable over *Lection* in view of *Stefaniak*;
- Claims 15-18 under 35 U.S.C. § 103(a) as being unpatentable over *Lection*, in view of *Stefaniak*, further in view of Shanmugasundaram et al., “Relational Databases for Querying XML Documents: Limitations and Opportunities” (“*Shanmugasundaram*”); and
- Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lection* in view of *Stefaniak*, further in view of *Shanmugasundaram*, further in view of U.S. Patent No. 6,209,124 to Vermeire et al (“*Vermeire*”).

Applicants respectfully traverse these objections and all assertions and holdings therein. For at least the reasons discussed above with respect to Claim 7, *Lection* fails to disclose, teach, or suggest various aspects of Claims 10-14 and 15-19. Further, *Stefaniak*, *Vermeire*, and/or *Shanmugasundaram*, whether considered individually or in combination, fail to account for the deficiencies of *Lection*. Furthermore, Claims 10-19 recite further patentable distinctions over the various combinations of references proposed by the Examiner. To avoid burdening the record and in view of the clear deficiencies of *Lection*, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 10-19.

The Examiner further rejects:

- Claims 1-2, 4-6, 20-21 under 35 U.S.C. § 103(a) as being unpatentable over *Stefaniak*, in view of U.S. Patent No. 6,618,852 to van Elkeren et al (“*van Elkeren*”);
- Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Stefaniak* in view of *van Elkeren*, further in view of U.S. Patent No. 6,347,307 to Sandhu et al (“*Sandhu*”); and

- Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over *Stefaniak* in view of *van Elkeren*, further in view of *Shanmugasundaram*.

Applicants respectfully traverse these objections and all assertions and holdings therein. For at least the reasons discussed above with respect to Claim 23, *Stefaniak* fails to disclose, teach, or suggest various aspects of Claims 1-6, and 20-22. Further, *van Elkeren*, *Sandhu*, and/or *Shanmugasundaram*, whether considered individually or in combination, fail to account for the deficiencies of *Stefaniak*. Furthermore, Claims 1-6 and 20-22 recite further patentable distinctions over the various combinations of references proposed by the Examiner. To avoid burdening the record and in view of the clear deficiencies of *Stefaniak*, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-6 and 20-22.

Furthermore, with respect to all of the proposed combinations of references made by the Examiner, Applicants do not admit that the proposed combinations of references are possible or that the Examiner has demonstrated the required teaching, suggestion, or motivation to combine these references. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 14-18.

IV. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the various references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

Conclusion

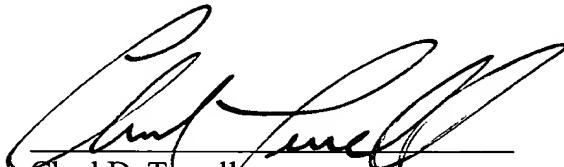
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214.953.6813.

Applicants submit a check in the amount of \$110.00 to cover the cost of a one-month extension of time. Applicants believe no other fees are due. If this is not correct, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 05-0765 of Electronic Data Systems Corporation. **A duplicate copy of this page is enclosed.**

Respectfully submitted,

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